



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

3 1 AUG 2005

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charlie Ross
Plant Manager
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, ID 83276

Re: Request for Information Pursuant to Section 3007 of the Resource Conservation and Recovery Act and Section 114 of the Clean Air Act for Agrium Conda Phosphate

RCRA ID No. ID000466888
AFS No. 1602900003

Dear Mr. Ross:

The purpose of this letter is to request information regarding the above facility's processes and waste management practices. Under the provisions of section 3007(a) of Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(a), the United States Environmental Protection Agency (EPA) may require persons subject to RCRA to furnish information necessary for EPA to administer the Act. In addition, under section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, EPA is authorized to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CAA have occurred. Pursuant to EPA's authority set forth in Section 3007(a) and Section 114, you are requested to submit the information set forth in Enclosures B and C.

EPA requires that you provide the information requested within thirty (30) calendar days of your receipt of this letter. An extension may be granted by EPA only for good cause, and if requested from Van Housman within seven (7) calendar days after your receipt of this letter. If we do not hear from you within seven (7) calendar days of your receipt of this letter, we will expect your response within 30 days. Mr. Housman can be reached at (202) 564-0143.

Your submittal(s) containing information required by this letter must include the following signed and dated certification: "I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete."

You are entitled to assert a claim of business confidentiality covering any part or all of the information you provide, in a manner described in 40 C.F.R. § 2.203(b). Procedures for making and substantiating any such claim are enclosed. Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you. This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 42 U.S.C. §§ 3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§ 1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. See 44 U.S.C. §§ 3502(4), (11); 5 C.F.R. §§ 1320.4 and 1320.6(a).

Please send the requested information to:

Van E. Housman
United States Environmental Protection Agency
Office of Regulatory Enforcement (2246-A)
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460;

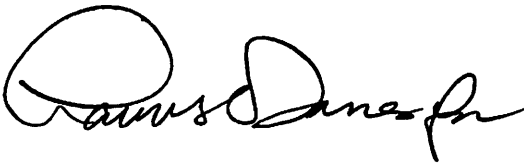
Rindy Ramos/Sylvia Burges
United States Environmental Protection Agency
Office of Compliance and Enforcement (OCE-127)
1200 6th Avenue
Seattle, Washington 98101; and

Michael Simon/Brian Monson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

The provisions of section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

If you have any questions concerning this matter, please contact Mr. Housman at (202) 564-0143.

Sincerely,



Michael A. Bussell, Director
Office of Compliance and Enforcement
Region 10



For
Rosemarie Kelley, Director
RCRA Enforcement Division
Office of Civil Enforcement

Enclosures

cc: Monty Johnson, Agrium
Michael Simon, IDEQ
Brian Monson, IDEQ

ENCLOSURE A

INSTRUCTIONS APPLICABLE TO RCRA & CAA QUESTIONS

Please provide a separate narrative response to each request and provide any and all documents relied upon or related to your response to each request. Precede each answer with the number of the question and letter of the subpart of the question to which it corresponds.

These requests for documents shall be construed as requests for any and all documents relating to the matters described, which are maintained by you or in your custody, control, or possession, or in the possession, custody or control of any of your employees or agents. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request(s) to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original, and the date the document became effective at the facility.

If you believe that documents or information responsive to one request are responsive, in whole or in part, to one or more other requests, you need not provide the information or documents more than once. In such cases, you may identify the documents or information already provided by some unambiguous means, as long as the precise manner in which the documents or information are responsive to the subsequent request is clearly specified.

Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time within one year after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify such person(s), a phone number or address at which they can be reached, and the additional information or documents which they may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request identify the person(s) from whom such information or documents may be obtained.

Do not substitute derivative or summary documents for more complete documents or responsive information. Where a document is requested, please provide the responsive document. Submission of cursory responses when other responsive information is available to you will be considered non-compliant with this information request. You may provide additional or explanatory documents to accompany the responsive document(s).

ENCLOSURE B

DEFINITIONS - RCRA

The term "Facility", as used in this request, means the smelter or furnace, and all contiguous land, structures, other appurtenances, and improvements on the land.

The term "Material", as used in this request, means any raw material, intermediate, in-process material, secondary material, recyclable material, product, by-product, solid waste, hazardous waste, sludge, wastewater, discharge, run-off, etc. Refuse, sanitary waste, and effluent from personnel restrooms, showers, administrative offices, residences, or bunkhouses that are not mixed with or intermingled with any other material listed above are not included in this definition of "material."

The term "Unit or Process", as used in this request, includes any activity or location involving:

1. phosphoric acid (all grades, including purified phosphoric acid), ammonia, urea, urea nitrate, ammoniated phosphate, ammonium sulfate, calcium phosphate, animal feed, phosphogypsum, and sulfuric acid;
2. any structure, building, pond, basin, impoundment, pad, bare ground, container, tank, sump, pit, etc. receiving or inputting any material from one of the units or processes listed in 1. above; and
3. any placement, storage, or conveyance of any material that exits a unit or process listed in 1. or 2. above, even if the material will be used or reused in any process.

All remaining terms used in this information request and in your response shall have their ordinary meaning, unless otherwise indicated or defined in RCRA or the regulations promulgated pursuant thereto.

INFORMATION REQUEST - RCRA

Unless otherwise specified, the information requests apply to all materials, units or processes at your facility, and unless otherwise specified the relevant time period for these requests is from September 1, 2000, to the present.

1. In order to minimize misinterpretation of your responses to this information request, provide a listing and detailed definition of the industry terms used in your response for words including, but not limited to: cooling water, pond water, scrubber water, gypstack, gyp pile, gyp and gypsum pond, cooling pond, and toe pond.
2. Provide the names and titles of the primary person(s) responsible for environmental compliance at the facility. For each person identified, describe the person's environmental compliance responsibilities.

3. Provide a schematic diagram(s) of the facility. The diagram(s) should include:
 - a. locations of the plant buildings, units or processes, and property lines;
 - b. connections to the wastewater treatment plant(s), if any;
 - c. material placement and storage locations (including less than 90-day hazardous waste generator storage areas and satellite accumulation areas). Label each location with the type of unit used for placement or storage (container, tank, pile, bin, bare land, etc.); and
 - d. an indication whether each unit or process is operating, closed (all material has been removed and the unit or process has been cleaned or decontaminated), emptied (all material has been removed from the unit or process), idle (the unit or process is not being operated, but materials remain inside), or "other" (please specify).
4. Provide a flow diagram for each unit or process. Include up to date piping and instrumentation diagrams. Include the following information on each diagram:
 - a. identify each material entering the unit or process and the source of the material;
 - b. all materials generated in, produced in, or exiting from the unit or process; and
 - c. for each material exiting each unit or process, identify its intermediate disposition(s) (if applicable) and final disposition(s).
5. Provide a complete written description of each unit or process identified in each unit or process flow diagram. In addition, if written Standard Operating Procedures (SOPs) have already been prepared for any of the units or processes, include them in your submittal. In this detailed description:
 - a. identify each material entering the unit or process, the source of the material, and whether the material is purchased;
 - b. identify all materials generated in, produced in, or exiting from each unit or process;
 - c. state if the materials generated in, produced in, or exiting from each unit or process is a product, and if so whether it is immediately ready for sale or if additional handling or processing is needed;
 - d. identify the next and ultimate destination of each material generated, produced, or exiting from each unit or process;
 - e. provide a mass balance for the period of September 1, 2004, through September 1, 2005, and from January 1 to December 31 of the same year for each of the calendar years 2000, 2001, 2002, 2003, and 2004, including the quantity of each material

entering the unit or process, the quantity of each material generated in or produced in each unit or process, the quantity of each material exiting each unit or process, and the quantity of each material currently in each unit or process; and

- f. state whether the unit or process has changed in any significant way during the last five (5) years. If so, describe and explain the change(s) and identify each material generated as a result of the changes.
6. Identify all activities, units, or processes which you assert are extraction, beneficiation, or processing of ores and minerals as defined in 40 C.F.R. § 261.4(b)(7). Label each of these activities, units, or processes on the applicable diagram(s) with the applicable assertion. In responding to this request, provide copies of all analytical results, data or other documentation used as the basis for each such assertion, even if it is dated prior to September 1, 2000.
7. Identify all materials which you assert are excluded, exempt, or partially exempt from regulation under RCRA Subtitle C. Label each of these materials on the applicable diagram(s) with the applicable assertion. In responding to this request, provide copies of all analytical results, data or other documentation used as the basis for each such assertion, even if it is dated prior to September 1, 2000. In your response, please include:
 - a. the statutory and regulatory basis of each such assertion; and
 - b. all documents received from the State or EPA relating to any claimed exclusion or exemption of any wastes from RCRA Subtitle C regulation. Information published in the C.F.R., the *Federal Register*, and RCRA Subtitle C need only be referenced by title and section number or volume and page number, as appropriate.
8. Identify all materials which you have determined are solid wastes or hazardous wastes under RCRA Subtitle C. Label each of these wastes on the applicable diagram(s) with your determination. In responding to this request, provide copies of all analytical results, data, or other documentation used to make your determination, even if it is dated prior to September 1, 2000. For each determination of each waste, please provide:
 - a. the results of your hazardous waste determination, as detailed in 40 C.F.R. § 262.11, including hazardous wastes (include all applicable waste codes) and wastes that you determined were solid wastes but not hazardous wastes;
 - b. a listing of any hazardous constituents in the waste (unless the waste is listed in 40 C.F.R. § 261.32-33); and
 - c. all documents received from the State or EPA relating to your hazardous waste determinations under RCRA Subtitle C. Information published in the C.F.R., the *Federal Register*, and RCRA Subtitle C need only be referenced by title and section number or volume and page number, as appropriate.
9. Identify all wastes in your response to question 8 that have been disposed of off-site in the last five (5) years. For each waste that was disposed of off-site, list:

- a. the quantity, in kilograms, disposed of each year for the last five (5) years (include dates of shipments and the name and address of the transporter);
 - b. the location of the disposal unit, including the name and address of the disposal facility; and
 - c. the appropriate manifest, shipping paper, or bill of lading date and number.
10. Identify each material placement or storage area at the facility on the applicable diagram(s). For each material placement or storage area, please:
 - a. describe the type of unit used for placement or storage (container, bin, bare land, etc.).
 - b. describe its approximate dimensions, volume or storage capacity, and placement ;
 - c. describe any pipelines or other conveyances connected to or leading to the placement or storage area;
 - d. describe whether and with what materials it is constructed and/or lined, and the date it was installed or first used, even if it was installed or first used prior to September 1, 2000;
 - e. describe how materials are added and/or removed from it;
 - f. describe the duration of placement or storage, and the frequency of disposal or other disposition (if applicable);
 - g. describe any maintenance activities performed, including inspections, monitoring, and repairs; and
 - h. identify and describe any reportable releases or discharges from the placement or storage area that have occurred in the last five (5) years.
11. Identify all materials which you assert are recyclable or are being recycled, are being reclaimed, are reclaimed, or are secondary materials from mineral processing or brought on-site for processing from which values will be recovered. Label each of these materials on the applicable diagram(s) with the applicable assertion. In responding to this request, provide copies of all analytical results, data, or other documentation used as the basis for each such assertion and determination, even if it is dated prior to September 1, 2000. For each such material, please determine and state:
 - a. the annual percentage of turnover, using your response to question 5.e, for all materials of the same type that are recycled in the same way (i.e. from which the same material is recovered or that is used in the same way), as detailed in 40 C.F.R. § 261.1(c)(8);

- b. if the material would be a listed hazardous waste or a characteristic hazardous waste if you did not recycle the material;
 - c. if the material contains constituents listed in 40 C.F.R. Part 261 Appendix VIII not found in the analogous raw material or product provide details on concentrations in the materials versus concentrations in the raw material product;
 - d. whether the material contains as much recoverable material as the analogous raw material or product it replaces and if not what are the concentrations of recoverable materials; and/or whether it is as effective as the analogous raw material or product it replaces and give details on how it is effective;
 - e. whether the material can be fed directly into the process (i.e., direct use), or whether reclamation or pretreatment is required;
 - f. the economic value of the material compared to the raw material that normally enters the process;
 - g. whether the material is placed on the land; if so,
 - 1. identify the placement or storage area as shown on your diagram(s);
 - 2. state whether you believe and why you believe the placement or storage area meets the terms of the conditional exclusion of 40 C.F.R. § 261.4(a)(17); and
 - 3. state whether the material, and how the material is placed in a similar manner as the analogous raw material (i.e., to prevent loss); and
 - h. the specification requirements of all materials in which a recycled/waste material is being used as a substitute raw material feed stock.
12. Identify all materials listed in your response to question 11 that are brought in from off-site for recycling or reclamation at your facility and all materials that are sent off-site for recycling or reclamation.
13. Provide dated copies of all notifications and updates submitted pursuant to 40 C.F.R. § 261.4(a)(17)(v).

You may also provide any other documents or calculations you deem relevant to demonstrate that the materials are being legitimately recycled and that you are not speculatively accumulating the material.

ENCLOSURE C

DEFINITIONS - CAA

The following definitions apply to the CAA Section of this Information Request. All terms not defined herein shall have their ordinary meaning unless such terms are otherwise defined in the CAA and 40 C.F.R. Part 63 Subparts A, AA, and BB.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these. If in the computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy shall also include: (a) any copy of each document which is not an exact duplicate of a document which is produced, (b) each copy which has any writing, notation, or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every other document referred to or incorporated into each document.
2. The terms "identify", "describe", or "provide" with respect to a document, mean to provide its customary business description, its date, its number, if any (catalog, index, storage, invoice or purchase order number), the identify of the author, addressor, addressee and recipient, the subject and subject matter.
3. The term "air pollutant(s)" shall, for the purpose of the CAA Section of this Information Request, shall be limited to:
 - (a) Particulate (TSP or PM₁₀ as applicable);
 - (b) Total Fluoride (as defined in 40 C.F.R § 63.621); and
 - (c) Methyl Isobutyl Ketone.
4. An "air pollution reduction practice" is a practice that is carried out for the purpose of reducing air pollution but which does not have an associated piece of control equipment which can be ascribed to the emission reduction. Examples of an air pollution reduction practice include, but are not limited to, limiting the hours of operation of an emissions unit through a permit restriction or firing a combustion unit with natural gas instead of fuel oil to reduce particulate emissions.
5. The term "air pollution control device" includes all equipment installed for the purpose of reducing air pollutant emissions and all process equipment that may have been installed for other purposes but has the practical effect of reducing air pollutant emissions.
6. The term "affected source" for purposes of the CAA Section of this Information Request, is defined in 40 C.F.R. Section 63 Subparts AA and BB.

7. The term "Company" refers to Agrium U.S. Inc.
8. The term "facility" refers to Agrium Conda Phosphate Operations, Soda Springs, Idaho.

INFORMATION REQUEST - CAA

1. For each phosphoric acid manufacturing plant and each phosphate fertilizer production plant, provide a process flow diagram (not piping and instrumentation diagrams) for each affected source. Using an identification key, on each diagram identify each air emission unit that emits an air pollutant, its corresponding air emission control device, and the air pollutant being controlled/reduced. Include each emission unit on contiguous or adjacent properties under the control of, or owned or operated by, the Company. Provide a separate list of emission units, including a description name, an identification number for each emission unit, and the air pollutant emitted from the unit. When possible, use the same emission unit identification number as contained in the Facility's current Title V Operating Permit.
2. Identify and describe in detail each air pollution control device currently installed or each air pollution reduction practice currently implemented at the facility for each affected source identified above. Provide the date of installation or implementation.
3. For each air pollution control device and each air pollution reduction practice identified in No. 2 above, describe in detail how each control device or reduction practice limits air emissions from each source, and how effectively (in terms of removal efficiency, capture efficiency, etc) each air emission is limited by the corresponding equipment or practice. Describe in detail the method used to determine the removal efficiency or capture efficiency of each device.
4. For each air pollution control device and each air pollution reduction practice identified in No. 2 above, provide a copy of all source (stack) tests performed since September 1, 1999, including the test date, the rate of operation of the emission unit during testing, and the test method used. Include a copy of all draft and preliminary results.
5. Since September 1, 1999, provide a copy of any and all fluoride analyses and pH determinations performed on any and all water streams, including but not limited to the: (1) cold pit outlet, (2) reclaim cooling tower inlet, (3) reclaim cooling tower outlet, (4) digester water effluent, (5) stage 1 concentration water effluent, (6) stage 2 concentration water effluent, (7) purified phosphoric acid water effluent, (8) 400 digester scrubber effluent, (9) tank farm scrubber effluent, (10) belt filter scrubber effluent, (11) SPA scrubber effluent, (12) granulation #3 defluorination scrubber effluent, (13) granulation tail gas scrubber effluent, (14) gypsum thickener outlet to gypsum stack, and (15) gypsum stack decant tank return line. Indicate units of fluoride concentration values and analytical methods used to measure those values.
6. Provide a facility wide elemental fluoride mass balance including a process flow diagram. Provide the mass balance in pounds per hour (lbs/hr) or tons per year (tpy) of fluoride. The mass balance should account for, but not be limited to, fluoride in the ore, fluoride in the finished product(s), fluoride being emitted from any wet scrubber stack, any cooling tower,

fluoride exiting the facility through the waste water stream, fluoride that accumulates (precipitates in) the gypsum stack/ponds, any fluoride containing infiltration water entering the ground water and any fugitive fluoride air emissions.

ENCLOSURE D

If you wish EPA to treat any information or record as "confidential," you must advise EPA of the fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. Please stamp or type "confidential" on all confidential responses and any related confidential documents. You must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential," and identify the number of the request to which it is the response.

Pursuant to 40 C.F.R. § 2.208(e), you bear the burden of substantiating your confidentiality claims. Therefore, in order for EPA to determine the validity of your confidentiality claims, please submit responses to EPA on the following points for each document or response that you consider confidential:

1. The period of time for which confidential treatment is desired by you (e.g., until a certain date, until the occurrence of a specified event, or permanently).
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to item 1 above?
3. Measures taken by you to guard against undesired disclosure of the information to others.
4. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith.
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please submit a copy of the determination.
6. Is the information contained in any publicly available material such as promotional publications, annual reports, articles, sales material, etc.? Is there any means by which a member of the public could obtain access to the information?
7. For each category of information claimed as confidential, discuss with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
8. Whether you assert that the information is voluntarily submitted information as defined in section 2.201(I) and if so, whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.

9. Any other issues you deem relevant.

Please provide a written index identifying the following for each document or response for which you assert a claim of confidentiality:

1. A description of the document and nature of the information, including for a document the author(s), date, summary or title, and recipient(s);
2. The portion of the information alleged to be entitled to confidential treatment;
3. The location or identification of the appropriate substantiating information in response to items 1-9 above.

In accordance with § 2.205, information you submit as part of your comments and responses to this notice which pertains to your confidentiality claim, which is not otherwise possessed by EPA, and which is marked confidential in accordance with § 2.203(b) will be regarded by EPA as entitled to confidential treatment and will not be disclosed by EPA without your consent, unless its disclosure is duly ordered by a federal court, notwithstanding other provisions of subpart B which is to the contrary. If you fail to claim the information as confidential upon submission it may be made available to the public without further notice to you.